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8 Counsel For: Arturo Moreno, Defendant.

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 (SAN JOSE VENUE)

12 UNITED STATES OF AMERICA, CR 12-00750-02 LHK  
13 Plaintiff,  
14  
15 v. APPLICATION FOR RELIEF  
16 Arturo Moreno, FROM PERSONAL  
17 Defendant. APPEARANCE BY DEFENDANT;  
18 ORDER (Proposed).  
19 \_\_\_\_\_/

20 This is an unopposed Application for an Order (in the proposed form  
21 annexed) relieving defendant Arturo Moreno from appearing at the status  
22 conference in this matter set for September 18, 2013. Undersigned counsel  
23 represents as follows:  
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25 This is the first application to excuse the personal appearance of Arturo  
26 Moreno. He self-surrendered in this matter, appeared as Ordered at every  
27

1 hearing in this matter thereafter, and has conducted himself without incident  
2 during the pendency of this matter.

3  
4 On September 16, 2013, Mr. Moreno's wife of 18 years is scheduled for in-  
5 patient surgery at a San José area hospital related to the birth of their new child.  
6 Mrs. Moreno is scheduled to be discharged on September 18, 2013, at a time of  
7 day which is unknown.  
8

9 Mr. Moreno would be profoundly appreciative of the opportunity to take  
10 his wife and new daughter home from the hospital following discharge.  
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12 Mrs. Moreno will be unable to drive herself and her new daughter home  
13 from the hospital, and other options available to the family are severely limited.  
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15 On September 11, 2013, in email exchanges, and without knowing of the  
16 particular hardship described here, Government counsel indicated no  
17 opposition to an excused personal appearance by all defendants.

18 On September 12, 2013, undersigned counsel attempted more than once,  
19 without success, to request assigned Government attorney re-affirm that  
20 position in light of the additional information provided here. No contact was  
21 successfully made. Also on September 12, the Court issued an Order requiring  
22 personal appearance of the accused , but that Order was entered without the  
23 benefit of the information provided here.  
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1           Undersigned counsel will furnish to Mr. Moreno the new dates set by the  
2 Court at the hearing, and will report back to the Court within 48 hours in  
3 writing that Mr. Moreno has been so informed and will appear as required.  
4

5           Counsel represents that Mr. Moreno has been informed of his right to be  
6 personally present, and that he has freely, knowingly, voluntarily and  
7 intelligently waived his rights to be present at a court hearing setting new  
8 dates. Provided herewith is a Declaration by Mr. Moreno concerning his  
9 request.  
10

11 Dated: September 12, 2013.  
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14                               Respectfully submitted,  
15                               LAW OFFICES OF LELAND B. ALTSCHULER

16                               By: \_\_\_\_\_  
17                               Leland B. Altschuler  
18                               Counsel for Arturo Moreno, Defendant.  
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## DECLARATION OF ARTURO MORENO

1. I, Arturo Moreno, state as follows based on my own, personal, first-hand knowledge, and if called and sworn, could and would testify competently as follows:

a. On Monday, September 16, 2013, at a hospital in the San José area, my wife of 18 years is scheduled to undergo a surgical procedure relating to the birth of our child. On Wednesday, September 18, 2013, she is scheduled for discharge and I am unable to control what time of day the discharge will occur.

b. I know my wife will be unable to drive herself and our new daughter home from the hospital. Other options available to the family are severely limited.

c. I would be very appreciative of the opportunity to take them home from the hospital.

d. I agree to abide by any instructions my attorney provides me for future Court dates as a result of the September 18, 2013 hearing.

e. I understand I have both the obligation and the right to be present in court on September 18, 2013. I freely, voluntarily, knowingly and intelligently give up the right to be present in court on September 18, 2013.

1 I declare under penalty of perjury that the foregoing is true and correct, and that  
2 this Declaration was executed on September 12, 2013 in the City of San José,  
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4 State and Northern District of California.

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ARTURO MORENO

1 ORDER

2 (~~PROPOSED~~)

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4 On the Application by Arturo Moreno, and good cause appearing, the  
5 Court ORDERS as follows:

- 6 1. The personal appearance of Arturo Moreno is excused for the hearing  
7 set for September 18, 2013;  
8  
9 2. Counsel for Mr. Arturo Moreno shall inform Mr. Arturo Moreno of new  
10 dates set by the Court, and shall report back, in writing, to the Court that  
11 Mr. Moreno has been provided the new dates and will appear as  
12 directed.  
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14 DATED: 9/13/13

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17 LUCY H. KOH  
18 U.S.D.J.  
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